

Notice of Allowability

Application No.

10/088,290

Examiner

Ramsey Zacharia

Applicant(s)

SATO ET AL.

Art Unit

1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 05 March 2004.
2. ☒ The allowed claim(s) is/are 2 and 4-11.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date attached.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Fang Liu on 19 May 2004.

The application has been amended as follows:

in claim 9, the phrase "or (C-ii)" on line 2 has been deleted.

2. The following is an examiner's statement of reasons for allowance.

The inventions as claimed are directed to a surface treatment agent comprising a metal alkoxide. In addition to the metal alkoxide the composition comprises either polymer (B) (claim 2) or polymer (D) and compound (E) (claim 4). Polymer (B) comprises repeat units derived from three monomer: one having carbon-carbon double bond and a metal alkoxide group, a second that is a fluorine-free (meth)acrylic acid derivative, and a third monomer that is either a fluorine-containing compound having a functional group reactive with the metal alkoxide or a fluorine-containing (meth)acrylic monomer. Polymer (D) is derived from a fluorine-free (meth)acrylic monomer and compound (E) is a fluorine-containing compound having a functional group reactive with the metal alkoxide.

Art Unit: 1773

Tsuda et al. and Allewaert et al. represent the closest prior art. Tsuda et al. is the closest prior art to the invention of claim 2. However, the polymer of Tsuda et al. is a fluoroolefin containing polymer and does not comprise either a fluorine-containing compound having a functional group reactive with the metal alkoxide or a fluorine-containing (meth)acrylic monomer.

Allewaert et al. is the closest prior art to the invention of claim 4. However, upon reconsideration and in view of the applicants' arguments, Allewaert et al. does not teach composition comprising both a polymer comprising repeat units derived from a fluorine-free (meth)acrylic monomer and a fluorine-containing compound having a functional group reactive with the metal alkoxide. While Allewaert et al. teach a polymer derived from both a fluorine-free (meth)acrylic monomer and a fluorine-containing monomer having a functional group reactive with the metal alkoxide, the reference does not teach or fairly suggest a composition comprising two distinct components - the first being a polymer (derived from a fluorine-free (meth)acrylic monomer) and the second being a fluorine-containing compound having a functional group reactive with the metal alkoxide.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Per the applicants' request, a corrected copy of form PTO-892 that was first mailed on 06 October 2003 is attached.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Zacharia whose telephone number is (571) 272-1518. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Thibodeau, can be reached on (571) 272-1516. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ramsey Zacharia
Primary Examiner
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